

## REMARKS

This Response is submitted in reply to the Final Office Action dated July 28, 2006. Claims 1 to 5, 20, 27, 31, 36, 59 and 69 are currently amended. Claim 21 stands cancelled without prejudice or disclaimer. The specification has been amended. No new matter has been added by any of these amendments.

A Request for Continued Examination and a Petition for a One-Month Extension of Time to file this Response are submitted herewith. Please charge deposit account number 02-1818 for the costs of the RCE, the Extension of Time and any additional costs associated with filing this Response.

The Examiner has still not initialed that he considered EP 0926645 on the PTO Form 1449 considered by the Examiner on January 7, 2006. Applicants respectfully request the Examiner to consider this reference in connection with this application. If the Examiner requires another copy of this reference, Applicants respectfully request that the Examiner contact the undersigned.

The Office Action rejected Claims 1 to 13, 15 to 29, 31 to 41, 43 to 50, 52 to 62 and 64 to 78 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,312,334 to Yoseloff in view of Let's Make a Deal – Wikipedia ("LMD") and in further view of U.S. Patent Application Publication No. 2002/0042294 to Pau et al. ("Pau"). Applicants have amended certain of these claims for clarity and not to distinguish these claims over the prior art. Specifically, Applicants have amended certain of these claims to clarify that potential offers are formed from quantities of values.

Yoseloff discloses a gaming device that entices players to risk an initial award in return for the opportunity to receive a greater payoff in a second game segment during which a player chooses from several masked awards. For example, the player risks prizes obtained from a first game or event in the second game or the second event. In the second game, a player selects one of three doors to receive a prize, a neutral event (e.g., a push, loss of a percentage of the wager, gain of a small percentage of the wager, etc.) or a doubling or otherwise substantial increase in the wager award. The outcome associated with the selected door is provided to the player. Yoseloff does not disclose a first potential award offer formed from a first quantity of first values (wherein

the first quantity is greater than one) and a second potential award offer formed from a second quantity of second values. Moreover, Yoseloff does not disclose that the first quantity is, on average, greater than the second quantity, and the second values are, on average, greater than the first values.

LMD provides a description of a game show wherein a player may keep a known prize or trade the awarded prize for one of a number of unknown awards which are hidden from view. As stated in the Office Action, during the game show, a contestant is offered multiple award offers, wherein the contestant is given several chances to trade in the award item in exchange for another item. The contestant is allowed to keep their winnings or give up everything already won for a spot in the Big Deal of the Day. The Big Deal of the Day allows the player to receive an award, which is greater or less in value than the initial offer. LMD does not disclose a first potential award offer formed from a first quantity of first values (wherein the first quantity is greater than one) and a second potential award offer formed from a quantity number of second values. Moreover, LMD does not disclose that the first quantity is, on average, greater than the second quantity, and the second values are, on average, greater than the first values.

Pau discloses a gaming machine wherein on the occurrence of a predefined event, a player is offered a choice of two or more different prize sets. Each set contains a plurality of prize outcomes. One prize is randomly drawn from each prize set selected by the player. The drawn prize(s) are provided to the player. Pau does not disclose a first potential award offer formed from a first quantity of first values (wherein the first quantity is greater than one) and a second potential award offer formed from a quantity number of second values. Moreover, Pau does not disclose that the first quantity is, on average, greater than the second quantity.

The Office Action states that Pau teaches one award offer is formed from a first number of first values (i.e., six award values in Dice #1 of Fig. 8) and a second potential award offer formed from a second number of second values (i.e., two award values in Dice #4 of Fig. 8) and the first number is, on average, greater than the second number and the second values are, on average, greater than the first values (i.e., Dice #1 has an average award value of \$25, and Dice #4 has an average award value of \$75,

wherein the expected value for both dice is \$25). Applicants respectfully disagree and submit that Pau (nor Yoseloff, LMD or the gaming device resulting from the combination of Pau, Yoseloff and LMD) does not teach, disclose or suggest a first one of the potential award offers being formed from a first quantity of first values and a second one of the potential award offers being formed from a second quantity of second values, wherein the first quantity is, on average, greater than the second quantity. In Pau, one and only one value is selected from a plurality of prize sets (i.e., one value is selected from each of a plurality of the dice). That is, the same number of values (i.e., one value) is selected from each of the plurality of prize sets and thus Pau does not teach, disclose or suggest a first one of the potential award offers being formed from a first quantity of first values and a second one of the potential award offers being formed from a second quantity of second values, wherein the first quantity is, on average, greater than the second quantity. On the other hand, the gaming devices of independent Claims 1, 20, 36 and 69 each include, amongst other elements, a first one of the potential award offers being formed from a first quantity of first values and a second one of the potential award offers being formed from a second quantity of second values, wherein the first quantity is, on average, greater than the second quantity.

The Office Action states that it would have been obvious to one skilled in the art at the time the invention was made to modify Yoseloff in view of LMD and have awards selected from a range of numbers having a greater upper end than another range of numbers, and having the ranges weighted differently in order to offer the possibilities to win from a wide range of awards, and control the odds of the awards. The Office Action further states that when a player is a top winner in LMD, the player is offered the greater award offer. Applicants respectfully disagree. Applicants submit that if LMD offered the player the greater of the award offers, a player would never reject an offer in LMD, which defeats the purpose of LMD.

Applicants respectfully submit that neither Yoseloff, LMD or Pau individually, nor the gaming device resulting from the combination of Yoseloff, LMD and Pau disclose, teach or suggest determining the greatest/highest of the potential award offers and offering the determined greatest/highest of the potential award offers to the player as an

initial offer. That is, while the prize award in one of the doors of Yoseloff may be greater than the prize award of another door, neither Yoseloff (nor LMD or Pau) disclose, teach or suggest determining which of the prize awards is greater and offering the determined greater prize award to the player. On the other hand, the gaming devices of independent Claims 1, 20, 46 and 57 each generally include, amongst other elements, determining the greatest/highest of the potential award offers and offering the determined greatest/highest of the potential award offers to the player as an initial offer.

Amended independent Claim 70 is directed to a method of operating a gaming device including, amongst other elements, forming different groups of values and forming a first offer by sequentially determining in the groups whether or not to include one of more values from the groups in the first offer until determining in each group not to include one of the values in the group. Applicants respectfully submit that neither Yoseloff, LMD or Pau individually, nor the gaming device resulting from the combination of Yoseloff, LMD and Pau teach, disclose or suggest forming different groups of values and forming a first offer by sequentially determining in the groups whether or not to include one of more values from the groups in the first offer until determining in each group not to include one of the values in the group. On the other hand, the method of operating a gaming device of independent Claim 70 includes forming different groups of values and forming a first offer by sequentially determining in the groups whether or not to include one of more values from the groups in the first offer until determining in each group not to include one of the values in the group.

Accordingly, for these reasons, Applicants respectfully submit that independent Claims 1, 20, 36, 46, 57, 69 and 70 are patentably distinguished over Yoseloff, LMD and Pau and in condition for allowance.

Claims 2 to 13, 15 to 19, 21 to 29, 31 to 35, 37 to 41, 43 to 45, 47 to 50, 52 to 56, 58 to 62, 64 to 68 and 71 to 78 depend directly or indirectly from independent Claims 1, 20, 36, 46, 57, 69 and 70, are also allowable for the reasons given with respect to Claims 1, 20, 36, 46, 57, 69 and 70 and because of the additional features recited in these claims.

The Office Action rejected Claims 13 to 15, 29 to 31, 41 to 43, 50 to 52, 62 to 64, 78 to 79 under 35 U.S.C. §103(a) as being unpatentable over Yoseloff in view of LMD, in view of Pau and in further view of U.S. Patent No. 5,816,918 to Kelly et al. ("Kelly").

As stated in the Office Action, Kelly discloses a gaming device connected to a network and the internet. The Office Action concludes that it would have been obvious to one skilled in the art at the time the invention was made to modify Yoseloff's and LMD's gaming device and control the gaming device through a data network and the internet, in order to allow players to play from a remote server, thus providing more flexibility when updating and monitoring the game.

Applicants respectfully submit that regardless of it would have been obvious to modify Yoseloff, LMD and Pau to include the network of Kelly, neither Yoseloff, LMD, Pau or Kelly individually, nor the gaming device resulting from the combination of Yoseloff, LMD, Pau and Kelly teach, disclose or suggest a first one of the potential award offers being formed from a first quantity of first values and a second one of the potential award offers being formed from a second quantity of second values, wherein the first quantity is, on average, greater than the second quantity. On the other hand, the gaming devices of Claims 13 to 15, 29 to 31 and 41 to 43 each include, amongst other elements, a first one of the potential award offers being formed from a first quantity of first values and a second one of the potential award offers being formed from a second quantity of second values, wherein the first quantity is, on average, greater than the second quantity.

Applicants also respectfully submit that regardless of it would have been obvious to modify Yoseloff, LMD and Pau to include the network of Kelly, neither Yoseloff, LMD, Pau or Kelly individually, nor the gaming device resulting from the combination of Yoseloff, LMD, Pau and Kelly teach, disclose or suggest determining the greatest/highest of the potential award offers and offering the determined greatest/highest of the potential award offers to the player as an initial offer. On the other hand, the gaming devices of Claims 13 to 15, 29 to 31, 50 to 52 and 62 to 64 each generally include determining the greatest/highest of the potential award offers and

offering the determined greatest/highest of the potential award offers to the player as an initial offer.

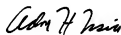
Moreover, Applicants respectfully submit that regardless of it would have been obvious to modify Yoseloff, LMD and Pau to include the network of Kelly, neither Yoseloff, LMD, Pau or Kelly individually, nor the method of operating a gaming device resulting from the combination of Yoseloff, LMD, Pau and Kelly teach, disclose or suggest forming different groups of values and forming a first offer by sequentially determining in the groups whether or not to include one of more values from the groups in the first offer until determining in each group not to include one of the values in the group. On the other hand, the methods of operating a gaming device of Claims 78 and 79 includes forming different groups of values and forming a first offer by sequentially determining in the groups whether or not to include one of more values from the groups in the first offer until determining in each group not to include one of the values in the group. Accordingly, for these reasons, Applicants respectfully submits that Claims 13 to 15, 29 to 31, 41 to 43, 50 to 52, 62 to 64, 78 to 79 are patentably distinguished over Yoseloff, LMD, Pau and Kelly and in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

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